

AN ACT

RELATING TO STATE PARKS; TRANSFERRING THE STATE PARKS
DIVISION FROM THE ENERGY, MINERALS AND NATURAL RESOURCES
DEPARTMENT TO THE TOURISM DEPARTMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-1-6.38 NMSA 1978 (being Laws
1994, Chapter 145, Section 1, as amended) is amended to
read:

"7-1-6.38. DISTRIBUTION--GOVERNMENTAL GROSS RECEIPTS
TAX.--

A. A distribution pursuant to Section 7-1-6.1
NMSA 1978 shall be made to the public project revolving fund
administered by the New Mexico finance authority in an
amount equal to seventy-five percent of the net receipts
attributable to the governmental gross receipts tax.

B. A distribution pursuant to Section 7-1-6.1
NMSA 1978 shall be made to the energy, minerals and natural
resources department and the tourism department in an amount
equal to twenty-five percent of the net receipts
attributable to the governmental gross receipts tax. Forty
percent of the distribution is appropriated to the energy,
minerals and natural resources department to implement the
provisions of the New Mexico Youth Conservation Corps Act,
and sixty percent of the distribution is appropriated to the
tourism department for state park and recreation area
capital improvements, including the costs of planning,
engineering, design, construction, renovation, repair,
equipment and furnishings.

C. The state pledges to and agrees with the

holders of any bonds or notes issued by the New Mexico finance authority, the energy, minerals and natural resources department, tourism department and payable from the net receipts attributable to the governmental gross receipts tax distributed to the New Mexico finance authority, the energy, minerals and natural resources department or the tourism department pursuant to this section that the state will not limit, reduce or alter the distribution of the net receipts attributable to the governmental gross receipts tax to the New Mexico finance authority, the energy, minerals and natural resources department, or the tourism department or limit, reduce or alter the rate of imposition of the governmental gross receipts tax until the bonds or notes together with the interest thereon are fully met and discharged. This pledge and agreement of the state shall be included in any agreement with the holders of the bonds or notes."

Section 2. Section 9-5A-3 NMSA 1978 (being Laws 1987, Chapter 234, Section 3, as amended by Laws 1997, Chapter 137, Section 1 and also by Laws 1997, Chapter 149, Section 2) is amended to read:

"9-5A-3. DEPARTMENT ESTABLISHED.--

A. There is created in the executive branch the "energy, minerals and natural resources department". The department shall be a cabinet department and shall include the following organizational units:

- (1) the administrative services division;
- (2) the forestry division;
- (3) the energy conservation and management division;

- (4) the mining and minerals division; and
- (5) the oil conservation division.

B. The state game commission is administratively attached to the department."

Section 3. Section 9-5A-4 NMSA 1978 (being Laws 1987, Chapter 234, Section 4, as amended) is amended to read:

"9-5A-4. DIVISIONS--DUTIES.--In addition to the duties assigned to each division of the energy, minerals and natural resources department by the secretary of energy, minerals and natural resources:

A. the administrative services division shall provide clerical, recordkeeping and administrative support to the department in the areas of personnel, budget, procurement and contracting;

B. the energy conservation and management division shall plan, administer, review, provide technical assistance, maintain records and monitor state and federal energy conservation and alternative energy technology programs;

C. the forestry division shall enforce and administer laws and rules relating to forestry on lands within the state;

D. the mining and minerals division shall enforce and administer laws and rules relating to mine safety, coal surface mine reclamation and abandoned mine lands reclamation; and

E. the oil conservation division shall administer laws and rules relating to oil, gas and geothermal resources, except those laws specifically administered by another authority."

Section 4. Section 9-15A-3 NMSA 1978 (being Laws 1991, Chapter 21, Section 3, as amended) is amended to read:

"9-15A-3. DEPARTMENT ESTABLISHED.--There is created in the executive branch the "tourism department". The department shall be a cabinet department and shall consist of four divisions as follows:

- A. the travel and marketing division;
- B. the New Mexico magazine division;
- C. the administrative services division; and
- D. the state parks division."

Section 5. Section 16-2-2 NMSA 1978 (being Laws 1977, Chapter 254, Section 113, as amended) is amended to read:

"16-2-2. STATE PARK AND RECREATION ADVISORY COMMITTEE CREATED--MEMBERSHIP--COMPENSATION--DUTIES.--

A. The "state park and recreation advisory committee" to the state parks division of the tourism department is created. It shall be composed of seven to eleven members appointed by the governor.

B. The parks and recreation advisory committee shall provide advice and make recommendations relating to the administration of parks and recreation areas. It shall advise on all matters of policy, rules, the formulation of a comprehensive statewide recreation plan and such other matters as may be requested by the state parks division.

C. The parks and recreation advisory committee shall meet quarterly or at the call of the chairman.

D. The parks and recreation advisory committee shall annually elect a chairman and vice chairman from its membership. The state parks division shall staff the committee."

Section 6. Section 16-2-3 NMSA 1978 (being Laws 1977, Chapter 254, Section 12, as amended) is amended to read:

"16-2-3. MEANING OF DESIGNATIONS.--Wherever in the laws of New Mexico reference is made to the "state park and recreation commission", the term means the state parks division of the tourism department. As used in Chapter 16 NMSA 1978, "secretary" means the secretary of tourism."

Section 7. Section 16-2-10 NMSA 1978 (being Laws 1935, Chapter 57, Section 10, as amended) is amended to read:

"16-2-10. SECRETARY AND EMPLOYEES PROHIBITED FROM HAVING INTEREST IN CONCESSIONS.--Neither the secretary nor any member of the tourism department shall have any interest in, directly or indirectly, or in any manner be connected with any concession granted to any person within any state park or recreation area."

Section 8. TEMPORARY PROVISION--TRANSFER OF PROPERTY, CONTRACTS AND STATUTORY REFERENCES.--

A. On July 1, 1999, all personnel, money, appropriations, records, equipment, furnishings and other property belonging to the state parks division of the energy, minerals and natural resources department shall be transferred to the state parks division of the tourism department.

B. On July 1, 1999, all existing contracts and other obligations of the state parks division of the energy, minerals and natural resources department shall be binding on the state parks division of the tourism department.

C. On July 1, 1999, all references in law to the state park recreation division or the state parks division of the energy, minerals and natural resources department

